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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/562,314	05/19/2006	Philip Course	72882-012 (WRAJ-002)	3803
23630 7590 05/27/2009 MCDERMOTT WILL & EMERY LLP 28 STATE STREET BOSTON, MA 02109-1775			EXAMINER AUGUSTIN, EVENS J	
			ART UNIT 3621	PAPER NUMBER
			MAIL DATE 05/27/2009	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/562,314

Applicant(s)

COURSE, PHILIP

Examiner

EVENS J. AUGUSTIN

Art Unit

3621

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 13 February 2009.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-42 is/are pending in the application.
- 4a) Of the above claim(s) 31-42 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-30 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-893)
Paper No(s)/Mail Date 04/10/09
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

1. Claims 1-42 are pending. Claims 31-42 have been withdrawn and claims 1-30 have been examined.

Claim Rejections - 35 USC § 112 – 2nd Paragraph

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claims 1 and 42 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.
4. As per claims 1 and 42, the applicant recites the term “auto discovery analysis”. The specification fails to clearly define to one of ordinary skills in the art the proper meaning of the term. The applicant must particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claims 2-38 are also rejected as they depend on claim 1. In considering the claims as a whole, to determine whether the claims apprise one of ordinary skill in the art of its scope, the USPTO has found that the claims do not meet the threshold requirements of clarity and precision, and do not provide clear warning to others as to what constitutes infringement of the potential patent.

Claim Rejections - 35 USC § 102

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

A person shall be entitled to a patent unless --

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States. . . .

(c) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

6. Claims 1-30 are rejected under 35 U.S.C. 102(c) as being anticipated by Elston et al. (U.S. 20020143655) ("Elston").
7. As per claims 1-30, Elston discloses an invention comprising of the following:
- A. "a host server" (One or more servers, par. 28);
 - B. "at least one transaction device"(Point of sale terminals, par. 272);
 - C. "at least one service provider system"(transaction manager service, par. 94);
 - D. "and a content management system" (par. 19), where the content management system provides content in the form of details of electronic goods and/or services able to be transacted by the electronic transaction system to the at least one transaction device (par. 39) and where, upon the at least one transaction device issuing a client request to the host server for one or more of the electronic goods and/or services detailed (par. 120),

- E. "Comprising a matrix recording a set of permissions and/or constraints applicable to the electronic transaction system" (A number of processes for closing the open authorization can be used. The details of these processes depend on the merchant's business rules and processes, the type of terminal equipment used in the store, par. 166. These business rules are kept in relational database[matrices], par. 240);
- F. "Matrix includes at least one of the following dimensions: a transaction device dimension; an electronic good or service dimension; and a merchant dimension " (par. 260-262 and 268-269);
- G. "Host server determines whether the client request complies with the set of permissions and/or constraints" (Request authorization determination, par. 133);
- H. "Each transaction device of the at least one transaction device receives a set of unique identifiers from the host server, each unique identifier representing a component of the content " (item SKU, par. 293. It is well known in the art that SKU is attached to an item, variant, product line, bundle, service, fee, or attachment);
- I. "Content includes, in respect of each electronic service and/or good able to be transacted; at least one of the following: a description; a graphic to represent the electronic service or good; details of acceptable payment methods; details of acceptable validation or data entry mechanisms" (par. 142);
- J. "content includes at least one of the following: a menu structure for navigating the electronic services and goods able to be transacted; and details of any security mechanisms implemented to control access to any restricted portions of the menu structure " (par. 142);

- K. ("Transaction device receives a scheduled time for transmission of content "
(Scheduling of orders, par. 259);
- L. Process modeling, figures 3A-F;
- M. Boolean modeling inherent due to its digital nature;

Conclusion

- 8. *Examiner has pointed out particular references contained in the prior arts of record in the body of this action for the convenience of the applicant. Although the specified citations are representative of the teachings in the art and are applied to the specific limitations within the individual claim, other passages and figures may apply as well. It is respectfully requested that if the applicant is preparing to respond, to consider fully the entire references as potentially teaching all or part of the claimed invention, as well as the context of the passage as taught by the prior arts or disclosed by the examiner.*
- 9. In determining patentability of an invention over the prior art, the USPTO has considered all claimed limitations, and interpreted as broadly as their terms reasonably allow. Additionally, all words in the claims have been considered in judging the patentability of the claims against the prior art.
- 10. It should also be noted that, in the office action that:
 - A. Items in the rejection that are in quotation marks are claimed language/limitations.

- B. Passages in prior art references may be mere rephrasing/rewording of claimed limitations, but the implicit/explicit meaning of the references vis-à-vis the claimed limitation remains intact.
11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Evens Augustin whose telephone number is 571-272-6860. The examiner can normally be reached on Monday thru Friday 8 to 5 pm.
12. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew Fischer can be reached on 571-272-6779.

/Evens J. Augustin/
Evens J. Augustin
May 27, 2009
Art Unit 3621